

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

IN RE: AFLIBERCEPT PATENT
LITIGATION

Master Case No: 1:24-md-3103-TSK
MDL 3103

REGENERON PHARMACEUTICALS, INC.

Plaintiff,

v.

FORMYCON AG,

Defendant.

Civil Action No. 1:23-cv-97-TSK

REGENERON PHARMACEUTICALS, INC.

Plaintiff,

v.

CELLTRION, INC.

Defendant.

Civil Action No. 1:23-CV-89-TSK

REGENERON PHARMACEUTICALS, INC.

Plaintiff,

v.

SAMSUNG BIOEPIS, CO., LTD.

Defendant.

Civil Action No. 1:23-CV-94-TSK

REGENERON PHARMACEUTICALS, INC.

Plaintiff,

v.

SAMSUNG BIOEPIS, CO., LTD.

Defendant.

Civil Action No. 1:23-CV-106-TSK

REGENERON PHARMACEUTICALS, INC.

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC. and
BIOCON BIOLOGICS INC.

Defendants.

Civil Action No. 1:22-CV-61-TSK

**JOINT MOTION FOR STATUS CONFERENCE REGARDING THE MAY 2, 2024
PERMANENT AND PRELIMINARY INJUNCTION HEARINGS**

Plaintiff Regeneron Pharmaceuticals, Inc. (“Plaintiff”) and Defendants Mylan Pharmaceuticals Inc., Biocon Biologics Inc., Formycon AG, Celltrion, Inc. and Samsung Bioepis, Co., Ltd. (collectively, “Defendants”) request a status conference to discuss the logistics of the injunction hearings scheduled for May 2, 2024, including the length of the time of the hearings, and the Court’s preferences for the presentation of argument. During the hearings, the Court is scheduled to hear Regeneron’s preliminary injunction motions against certain Defendants in their respective cases at 10:00 am. (*See* C.A. No. 1:23-cv-00097 (N.D. W. Va.), Dkt. 45; C.A. No. 1:23-cv-00094 (N.D. W. Va.), Dkt. 69; C.A. No. 1:23-cv-00106 (N.D. W. Va.), Dkt. 40; C.A. No. 1:23-cv-00089 (N.D. W. Va.), Dkt. 61.) The Court is also scheduled to hear Regeneron’s permanent injunction motion against Mylan Pharmaceuticals Inc. and Biocon Biologics Inc. on May 2, 2024. (*See* C.A. No. 1:22-cv-00061 (N.D. W. Va.), Dkt. 717.)

The parties have conferred and agree that in view of confidentiality concerns, the hearings against each Defendant should proceed separately and sequentially. The parties respectfully request a status conference to clarify the order and timing of proceedings so that the parties may prepare consistent with the Court’s expectations.

Dated: April 23, 2024

Respectfully submitted,

OF COUNSEL:

THOMAS COMBS & SPANN PLLC

Louis E. Fogel (*pro hac vice*)
Shaun M. Van Horn (*pro hac vice*)
FISH & RICHARDSON P.C.
60 South 6th Street, Suite 3200
Minneapolis, MN 55402
(612) 335-5070

/s/ M. David Griffith, Jr.
Bryant J. Spann (WVSB No. 8628)
M. David Griffith, Jr. (WVSB No. 7720)
300 Summers Street, Suite 1380
Charleston, West Virginia 25301
Phone: (304) 414-1800
Fax: (304) 414-1801
bspann@tcspllc.com
dgriffith@tcspllc.com

Attorneys for Defendant Formycon AG

Robert M. Oakes (*pro hac vice*)
FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 652-5070

Andria Rae Crisler (*pro hac vice*)
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
(214) 747-5070

Madelyn McCormick (*pro hac vice*)
FISH & RICHARDSON P.C.
12860 El Camino Real, Suite 400
San Diego, CA 92130
(858) 678-5070

Qiuyi Wu (*pro hac vice*)
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02210
(617)-542-5070

Terri L. Mascherin (*pro hac vice*)
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654
(312) 222-9350

Dated: April 23, 2024

OF COUNSEL:

Robert Cerwinski, Esquire
Aviv Zalcenstein, Esquire
Michael Cottler, Esquire
Lora Green, Esquire
David Kim, Esquire
Brigid Morris, Esquire
GEMINI LAW LLP
40 W 24th Street
New York, NY 10010
(917) 915-8832
rcerwinski@geminilaw.com
azalcenstein@geminilaw.com
mcottler@geminilaw.com
lgreen@geminilaw.com
dkim@geminilaw.com
bmorris@geminilaw.com

Michael W. Johnson, Esquire
Matthew Freimuth, Esquire
Dan Constantinescu, Esquire
Ocean Lu, Esquire
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019
(212) 728-8000
mjohnson@willkie.com
mfreimuth@willkie.com
dconstantinescu@willkie.com
olu@willkie.com

Respectfully submitted,

HISSAM FORMAN DONOVAN
RITCHIE

/s/ Max C. Gottlieb
Max C. Gottlieb, Esquire
Michael B. Hissam, Esquire
Andrew C. Robey, Esquire
Carl W. Shaffer, Esquire
P.O. Box 3983
Charleston, WV 25339
681-265-3802 *office*
304-982-8056 *fax*
mgottlieb@hfdrlaw.com
arobey@hfdrlaw.com
cshaffer@hfdrlaw.com

Attorneys for Defendant Celtrion, Inc.

Dated: April 23, 2024

SCHRADER, COMPANION, DUFF &
LAW, PLLC

OF COUNSEL:

Frank E. Simmerman, Jr. (WVSB# 3403)
Chad L. Taylor (WVSB# 10564)
Frank B. Simmerman, III (WVSB# 10584)
Simmerman Law Office, PLLC
254 East Main Street
Clarksburg, West Virginia 26301
(304) 623-4900
clt@simmermanlaw.com

/s/ Sandra K. Law
Sandra K. Law (WVSB No. 6071)
401 Main Street
Wheeling, West Virginia 26003
skl@schraderlaw.com

*Attorneys for Defendant Samsung Bioepis
Co., Ltd.*

Raymond N. Nimrod
Matthew A. Traupman
Laura L. Faimeny
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(212) 849-7000
raynimrod@quinnemanuel.com
matthewtraupman@quinnemanuel.com
laurafaimeny@quinnemanuel.com

Zachariah B. Summers
Quinn Emanuel Urquhart
& Sullivan, LLP
865 S. Figueroa St.
Los Angeles, CA 90017
(213) 443-3000
zachsummers@quinnemanuel.com

Date: April 23, 2024

STEPTOE & JOHNSON PLLC

/s/ Gordon H. Copland

Gordon H. Copland (WVSB #828)

William J. O'Brien (WVSB #10549)

400 White Oaks Boulevard

Bridgeport, WV 26330

(304) 933-8162

gordon.copland@steptoe-johnson.com

william.obrien@steptoe-johnson.com

Of Counsel (admitted pro hac vice):

William A. Rakoczy

Deanne M. Mazzochi

Heinz J. Salmen

Eric R. Hunt

Neil B. McLaughlin

Lauren M. Lesko

RAKOCZY MOLINO MAZZOCHI SIWIK LLP

6 W. Hubbard St., Suite 500

Chicago, IL 60654

(312) 527-2157

wrakoczy@rmmslegal.com

dmmazzochi@rmmslegal.com

hsalmen@rmmslegal.com

ehunt@rmmslegal.com

nmclaughlin@rmmslegal.com

llesko@rmmslegal.com

*Attorneys for Defendants Mylan Pharmaceuticals
Inc. and Biocon Biologics Inc.*

Date: April 22, 2024

CAREY DOUGLAS KESSLER & RUBY,
PLLC

Of Counsel:

David I. Berl (admitted *PHV*)
Ellen E. Oberwetter (admitted *PHV*)
Thomas S. Fletcher (admitted *PHV*)
Andrew V. Trask (admitted *PHV*)
Teagan J. Gregory (admitted *PHV*)
Shaun P. Mahaffy (admitted *PHV*)
Kathryn S. Kayali (admitted *PHV*)
Arthur J. Argall III (admitted *PHV*)
Adam Pan (admitted *PHV*)
Haylee N. Bernal Anderson (admitted *PHV*)
Renee M. Griffin (admitted *PHV*)

Jennalee Beazley* (admitted *PHV*)
WILLIAMS & CONNOLLY LLP
680 Maine Avenue, SW
Washington, DC 20024
(202) 434-5000
dberl@wc.com
eoberwetter@wc.com
tfletcher@wc.com
atrask@wc.com
tgregory@wc.com
smahaffy@wc.com
kkayali@wc.com
aargall@wc.com
apan@wc.com
handerson@wc.com
rgriffin@wc.com
jbeazley@wc.com

*Admitted only in Pennsylvania; practice
supervised by D.C. Bar members

Elizabeth Stotland Weiswasser (admitted
PHV)
Anish R. Desai (admitted *PHV*)
Natalie C. Kennedy (admitted *PHV*)
Jennifer Brooks Crozier (admitted *PHV*)

/s/ David R. Pogue
Steven R. Ruby (WVSB No. 10752)
David R. Pogue (WVSB No. 10806)
Raymond S. Franks II (WVSB No. 6523)
707 Virginia Street East
901 Chase Tower (25301)
P.O. Box 913
Charleston, West Virginia 25323
(304) 345-1234
sruby@cdkrlaw.com
drpogue@cdkrlaw.com
rfranks@cdkrlaw.com

Attorneys for Plaintiff
Regeneron Pharmaceuticals, Inc.

Tom Yu (admitted *PHV*)
Yi Zhang (admitted *PHV*)
Kathryn Leicht (admitted *PHV*)
Rocco Recce (admitted *PHV*)
Zhen Lin (admitted *PHV*)
WEIL, GOTSHAL & MANGES
767 Fifth Avenue
New York, NY 10153
Elizabeth.Weiswasser@weil.com
Anish.Desai@weil.com
Natalie.Kennedy@weil.com
Jennifer.Crozier@weil.com
Tom.Yu@weil.com
Yi.Zhang@weil.com
Kathryn.Leicht@weil.com
Rocco.Recce@weil.com
Zhen.Lin@weil.com

Christopher M. Pepe (admitted *PHV*)
Priyata Y. Patel (admitted *PHV*)
Matthew Sieger (admitted *PHV*)
WEIL, GOTSHAL & MANGES
2001 M Street, NW
Suite 600
Washington, DC 20036
Christopher.Pepe@weil.com
Priyata.Patel@weil.com
Matthew.Seiger@weil.com

Andrew E. Goldsmith (admitted *PHV*)
Evan T. Leo (admitted *PHV*)
Jacob E. Hartman (admitted *PHV*)
Mary Charlotte Y. Carroll (admitted *PHV*)
Sven E. Henningson (admitted *PHV*)
KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
TEL: (202) 326-7900
agoldsmith@kellogghansen.com
eleo@kellogghansen.com
jhartman@kellogghansen.com
mcarroll@kellogghansen.com
shenningson@kellogghansen.com

*Attorneys for Plaintiff Regeneron
Pharmaceuticals, Inc.*

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on April 23, 2024, I caused a true and correct copy of the foregoing ***motion for status conference*** to be filed via the Court's CM/ECF electronic filing system, thereby sending notice of the filing to all CM/ECF-registered counsel of record for the parties.

/s/ David R. Pogue

David R. Pogue (WVSB No. 10806)